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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,126	02/26/2004	Ryuichi Utsugi	SUZ0006-D1-US	1867

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EXAMINER

PATEL, NIHIR B

ART UNIT	PAPER NUMBER
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3772

MAIL DATE	DELIVERY MODE
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07/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/786,126	UTSUGI, RYUICHI	
	Examiner	Art Unit	
	Nihir Patel	3772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on February 26th, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 12-15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02.26.2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 01/79895.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8.16.2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract contains more than one paragraph. Correction is required. See MPEP § 608.01(b).

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/719,895, filed on December 19th, 2000.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims **12-15 and 17-19** are rejected under 35 U.S.C. 102() as being anticipated by Rigg et al. (US 5,785,960).

Art Unit: 3772

6. **As to claim 12**, Rigg teaches a method and system for customizing dermatological foundation products that comprises a method of exposing a body part to light and highlighting a surface of the skin to emphasize a contour of the body part, wherein a prescribed light is made to irradiate the skin for the purpose of varying the degree of pigment deposition in different areas, wherein the light to irradiate the skin is a laser beam (see column 2 lines 10-20 and column 3 lines 50-65)

7. **As to claim 13**, Rigg teaches a method and system for customizing dermatological foundation products that comprises a method of exposing a body part to light and highlighting a surface of the skin to emphasize a contour of the body part, wherein a prescribed light is made to irradiate the skin for the purpose of varying the degree of pigment deposition in different areas, wherein the deposition of pigment is made to occur in the area of the skin requiring to assume a darker color by allowing a light other than a laser beam to irradiate the area of the skin requiring a darker color in a large dosage (see column 2 lines 10-20 and column 3 lines 50-65).

8. **As to claim 14**, Rigg teaches a method and system for customizing dermatological foundation products that comprises a method of exposing a body part to light and highlighting a surface of the skin to emphasize a contour of the body part; applying a pigment deposition promoting agent capable of promoting pigment deposition to an area of the skin requiring to assume a darker color (see column 2 lines 10-20 and column 3 lines 50-65).

9. **As to claim 15**, Rigg teaches a method and system for customizing dermatological foundation products that comprises a method of exposing a body part to light and highlighting a surface of the skin to emphasize a contour of the body part; controlling the deposition of pigment to occur less in an area of the skin requiring to assume a brighter color by applying a whitening

agent capable of inhibiting pigment deposition to the area of the skin required to assume a brighter color (see column 2 lines 45-67).

10. As to claim 17, Rigg teaches a method and system for customizing dermatological foundation products that comprises a projector provided with a light source adapted to permit emission of light capable of inducing pigment deposition on the skin and a filter adapted to pass the light emitted from the light source in such a manner that the light irradiating the skin positioned at prescribed from the light source may be in a larger amount in the area requiring to assume a darker color (see column 2 lines 10-67)

11. As to claim 18, Rigg teaches a method and system for customizing dermatological foundation products that comprises a pack provided with a sheet to be used as applied fast to the skin, the sheet having the part thereof corresponding to the area of the skin requiring to assume a darker color coated or impregnated with a pigment deposition promoting agent capable of promoting deposition of pigment (see column 2 lines 10-67).

12. As to claim 19, Rigg teaches a method and system for customizing dermatological foundation products that comprises a pack provided with a sheet to be used as applied fast to the skin, the sheet having the part thereof corresponding to the area of the skin requiring to assume a brighter color coated or impregnated with a whiting agent capable of inhibiting deposition of pigment (see column 2 lines 10-67).

Allowable Subject Matter

13. Claim 16 is allowed. The prior art does not disclose a decorative aid provided with a cover adapted to hide a prescribed area of skin, the cover being formed of a plurality of cover pieces adapted to hide the prescribed area of the skin.

Art Unit: 3772

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nihir Patel whose telephone number is (571) 272-4803. The examiner can normally be reached on 7:30 to 4:30 every other Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on (571) 272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit 3772



Nihir Patel


PATRICIA BIANCO
SUPERVISORY PATENT EXAMINER
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7/9/07